

United States District Court

Eastern District of California

David Wayne Elmore,

Plaintiff,

No. Civ. S 04-2657 GEB PAN P

vs.

Order

Tom L. Carey, et al.,

Defendants.

-oOo-

December 16, 2004, plaintiff filed a complaint alleging claims against twelve defendants. The Clerk of Court inadvertently omitted one defendant, Traquina, from the case caption. April 8, 2005, the court approved service on all defendants and sent plaintiff USM-285 forms to complete for service. April 20, 2005, plaintiff notified the court Traquina had been omitted.

Good cause appearing, the court hereby orders that:

1. Service is appropriate for defendant Traquina.

1       2. The Clerk of the Court shall send plaintiff one USM-285  
2 form.

3       3. Within 10 days plaintiff shall complete the attached  
4 Notice of Submission of Documents and submit it to the court with  
5 the completed USM-285 form and one copy of the December 16, 2004,  
6 pleading.

7       4. Upon receipt of the necessary materials, the court will  
8 direct the United States Marshal to serve defendants pursuant to  
9 Federal Rule of Civil Procedure 4 without payment of costs.

10      Dated: May 26, 2005.

11                    /s/ Peter A. Nowinski

12                    PETER A. NOWINSKI

13                    Magistrate Judge

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Notice of Submission of Documents

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Plaintiff hereby submits the following documents in  
compliance with the court's order filed \_\_\_\_\_:

completed summons form

completed forms USM-285

copies of the \_\_\_\_\_  
Complaint

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff